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Working Group on Contemporary
Forms of Slavery
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Item 5 of the provisional agenda

REVIEW OF DEVELOPMENTS IN THE FIELD OF CONTEMPORARY FORMS
OF SLAVERY AND MEASURES TO PREVENT AND ERADICATE ALL
CONTEMPORARY FORMS OF SLAVERY

Report of the Secretary-General

	<u>Paragraphs</u>	<u>Page</u>
Introduction	1	2
I. GOVERNMENTS	2 - 10	2
A. Brunei Darussalam	2	2
B. Nepal	3 - 7	2
C. Pakistan	8 - 10	3
II. UNITED NATIONS ORGANS AND BODIES	11 - 21	3
A. Office of the United Nations High Commissioner for Refugees	11 - 18	3
B. United Nations Educational, Scientific and Cultural Organization	19 - 21	5
III. INTERGOVERNMENTAL ORGANIZATIONS	22 - 24	5
International Organization for Migration	22 - 24	5

Introduction

1. The Secretary-General has received supplementary information relating to the various sub-items of item 5 of the provisional agenda. The information received is contained in the present document.

I. GOVERNMENTS

A. Brunei Darussalam

[Original: English]
[3 February 1995]

2. The Government of Brunei Darussalam stated that the issues concerning the traffic in persons and the exploitation of prostitution of others fortunately do not occur in Brunei Darussalam.

B. Nepal

[Original: English]
[30 January 1995]

3. The Government of Nepal reported that appropriate social, economic, political and legal measures have been undertaken for the protection of vulnerable groups - children and women in the society. The Women Trafficking and Sale (Prevention) Act and the National Act are the main laws concerned with the rights and protection of vulnerable women, girl children and orphans. Under these laws persons convicted of trafficking in women are liable to a maximum penalty of life imprisonment. Similarly, the property rights of women have been guaranteed by the Constitution and the National Act.

4. The Labour Act also protects certain rights of women and children.

5. The Children's Act has added impetus to recognition of the rights of children in Nepal. The Act has played an important role in defining and defending some of the rights and privileges of the child. Its clauses protect and safeguard children's rights and stipulate a five years' penalty of imprisonment for the violation of these rights. Child labour is prohibited in industries and enterprises by law. All kinds of exploitation of children and women have been ended by the Constitution. Some welfare programmes for children, women and other backward castes and communities have been initiated and assured by the newly elected Government in various fields at the national level. Many non-governmental organizations have been also working in these fields.

6. The Children's Act and the Constitution strictly prohibit child labour which is monitored and checked by administrative vigilance. The Labour Act and Children's Act guarantee some of the rights of the child.

7. The new Government promised to initiate action for the elimination of bonded labour and debt bondage which still exist in the south-western parts of Nepal.

C. Pakistan

[Original: English]
[30 January 1995]

8. The Government of Pakistan has communicated information relating to the enactment of the Bonded Labour Abolition Act of 1992.

9. Pursuant to the Bonded Labour Abolition Act, vigilance committees have been set up in all four provinces of Pakistan. These committees are on the lookout for any cases of bonded labour. Advertisements were published by the Government in all the national dailies requesting anybody having knowledge of the existence of bonded labour to inform the Government so that suitable measures could be taken for its abolition. So far, no case has been brought to the notice of the Government.

10. As regards the question of the number of people prosecuted under the Act, the information is being collected and will be submitted as soon as it is finalized.

II. UNITED NATIONS ORGANS AND BODIES

A. Office of the United Nations High Commissioner for Refugees

[Original: French]
[20 December 1994]

11. As part of its activities and in the wider context of efforts to combat contemporary forms of slavery, the Office of the United Nations High Commissioner for Refugees (UNHCR) takes a special interest in the problem of irregular adoptions. Unaccompanied refugee minors are a group at risk in this regard. Separated from their parents and without legal protection, unaccompanied refugee minors are obviously deprived of the protection normally offered by the family unit; they are therefore the group most in need of special protection and assistance and of durable solutions to their problems.

12. Refugee children, of whom unaccompanied minors are one component, represent over half of the refugee population throughout the world. Because of their special circumstances, they are without any doubt more vulnerable than other refugee groups.

13. UNHCR's policy and activities in respect of refugee children are based on the organization's guidelines (1988), which are themselves based on the Conclusions of the Executive Committee of the High Commissioner's Programme and the two fundamental international and universally recognized principles of the best interests of the child and family unity.

14. At its forty-third session (1992), the Executive Committee of the High Commissioner's Programme reiterated the importance it accorded to the protection and well-being of refugee children, in particular unaccompanied minors. It should be noted that the UNHCR guidelines on refugee children contain several specific provisions on the subject. The Convention on the Rights of the Child also contains provisions on refugees and on adoption. In

fact, the Convention is one of the fundamental legal texts on which UNHCR bases its activities for the defence of the rights of asylum-seeking and refugee minors. In addition, at the request of the UNHCR Executive Committee, the High Commissioner appointed a Senior Coordinator for Refugee Children, whose job is to work towards improving awareness of the needs of refugee children and designing an appropriate policy on refugee children. UNHCR is also seeking means of improving internal machinery on these issues. Its efforts focus on the submission of reports, particularly in the statistical area, and increasing the awareness of its central and regional officials of the protection needs of refugee children in the field. UNHCR also makes similar efforts in dealing with its heads of Field Missions so that they, too, will become aware of the importance of this task.

15. With regard to adoption, as noted in the Executive Committee's Conclusion No. 24 (XXXII) on Family Reunification, any decision on adoption involves a "severance of links with the natural family". In accordance with General Assembly resolution 41/85 of 3 December 1986 containing the "Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally", UNHCR believes that adoption should not be encouraged until the family situation of a refugee child has been determined with sufficient accuracy. UNHCR usually gives itself a minimum of two years to find the parents or relatives before the adoption of a refugee child placed in a foster family can be considered. When adoption or family placement takes place as a last resort and in accordance with the best interests of the refugee child, the process must be in conformity with the above-mentioned General Assembly resolution.

16. As to adoption for profit, UNHCR fully supports the views expressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that profit considerations should have absolutely no place in adoption matters. For its part, UNHCR continues to devote its attention to the question of irregular adoptions of refugee children by ensuring that the appropriate rules of protection are strictly applied and that adoptions are in no case conducted for profit.

17. UNHCR's general principle is that, with the exception of orphans, adoption should not at the outset be a solution for unaccompanied minors. It believes that adoption should be only a last resort. From that point of view, UNHCR is stepping up its efforts to encourage States to take the necessary measures for protecting unaccompanied minors. It is continuing to cooperate actively with the Special Commission of the Hague Conference on Private International Law with a view to preparing a convention for preventing irregular adoptions abroad. UNHCR sets the following conditions in that respect:

(a) Before deciding whether a refugee child can be adopted, the asylum State should make entirely sure (by using the resources and expertise of the appropriate local and international bodies and organizations) that every effort has been made to find the members of the unaccompanied child's family and that the child is legally free for adoption;

(b) In order to determine whether adoption abroad is in the best interests of the child, the possibility of the child's voluntary repatriation should be fully taken into consideration;

(c) Given the vulnerable situation of the refugee child, which includes the potentially uncertain nature of his status as asylum-seeker or refugee, any inquiries into his past or family situation should be conducted in the strictest confidentiality.

18. Lastly, UNHCR remains convinced that the tasks of protecting and assisting refugee children will be effective and successful only if close cooperation exists among all the components of the international community.

B. United Nations Educational, Scientific and Cultural Organization

[Original: English]
[14 February 1995]

19. UNESCO is monitoring programmes to achieve universal access to education, such as the programme "Towards Basic Education for All", which contribute to the elimination of contemporary forms of slavery. The programme to enrol street children in schools aims at keeping them away from potential exploitation, including child labour. Education for international understanding, education for respect of human rights and education for democracy are other ways in which education can be used to combat contemporary forms of slavery.

20. UNESCO has no specific programme activities geared towards combating intolerable practices against children such as killing, organ removal, sale, paedophilia, etc. In order to contribute to the struggle against these practices the Director-General of UNESCO cooperates, on an ad hoc basis, directly with the national authorities of member States.

21. UNESCO also stated that no cases concerning sale of children, child prostitution or child pornography, the exploitation of child labour, bonded labour, traffic in persons or persons exposed to other kinds of contemporary forms of slavery have been submitted to the Committee on Conventions and Recommendations of the Executive Board which examines communications relating to questions concerning the exercise of human rights in the organization's field of competence.

III. INTERGOVERNMENTAL ORGANIZATIONS

International Organization for Migration

[Original: English]
[6 February 1995]

22. Contemporary forms of slavery traditionally fell beyond the mandate of IOM. However, the upsurge of trafficking in migrants and the slavery and slave-like conditions sometimes involved in the practice have placed the issue of slavery squarely on IOM's agenda. Governments in both countries of origin and countries of destination have expressed concern about the welfare of trafficked migrants during transit, as well as upon arrival in the country of destination.

23. From IOM's vantage point, several aspects of migrant trafficking could be of concern to the Working Group on Contemporary Forms of Slavery:

- (a) Inhumane travel conditions in terms of sanitation, provisions and freedom of movement;
- (b) Holding captive trafficked migrants until family/friends pay a fee;
- (c) Forced labour in the country of destination, including forced prostitution.

24. In October 1994, IOM has organized a seminar on the International response to trafficking in migrants and the safeguarding of migrants rights to discuss, among other issues, current and new ways to curtail migrant trafficking and to protect migrants caught up in the practice. Participants at the meeting put forth several proposals in this regard, which were subsequently approved by the IOM Council:

- (a) IOM, in conjunction with other international organizations and Governments, will establish a Working Group on Migrant Trafficking, because effective action to combat trafficking and protect migrants demands the coordination of IOM's work and that of other concerned bodies. The Working Group will exchange information and ideas and discuss current and future activities in order to maximize effectiveness and avoid duplication of work;
- (b) IOM will host regional, as well as periodic global level meetings on trafficking. The regional forums will give concerned countries and other regional actors the opportunity to focus specifically on trafficking and protection issues particular to their region. The global meeting will enable the participants to inform each other on new trends and new policies related to trafficking and review the international dimensions of the issue;
- (c) Funding permitting, IOM will revise existing and design new information campaigns for three audiences. First, IOM will expand information gathering and dissemination to policy makers and practitioners dealing with migrant trafficking and trafficking migrants. Secondly, IOM will further develop information campaigns which provide potential migrants with information on legal migrations options and the pitfalls of irregular migration. And finally, information programmes aimed at the general public in receiving countries will explain the benefits receiving countries enjoy from orderly migration;
- (d) IOM will expand technical cooperation to countries of origin and transit who request assistance - human resources, equipment, information - in their fight against migrant trafficking;
- (e) IOM will work with countries of origin and destination to establish temporary migration schemes in an effort to ease emigration pressure; and
- (f) IOM will continue to offer assisted return programmes to offer irregular migrants a dignified alternative to deportation.
